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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,964	01/24/2001	William T. Hamrick	623484.00002	2333

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,964

Applicant(s)

HAMRICK, WILLIAM T.

Examiner

Steve M Varner

Art Unit

3635

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24-26 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to 3/4/03 and 3/31/03 Amendments.

Claim 1 is cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III in view of Martensson and Porter.

Regarding claim 2, Ellington, III shows each unit (10) including a base (17) having upper and lower planar surfaces and a number of ends. It would have been obvious to have a plurality of units to produce a structure of desired size (Fig. 1).

Ellington, III does not show joining means formed within each of the ends. Martensson et al. teaches joining means (12, 13) formed within each of the ends (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use joining means as in Martensson et al. in the structure of Ellington, III to connect the units in a continuous walkway.

Ellington, III does not show means for interconnecting an individual walkway unit to means for transport. Porter shows means for interconnecting an individual walkway unit to means for transport (56 a-d, 50) (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use the means for

interconnection as in Porter in the structure of Ellington, III in order to connect the walkway to a crane for transport and placement.

Regarding claim 3, Ellington, III does not show the means for transporting in the form of lifting eyes with eyelets. Porter shows lifting eyes (56a-d) with eyelets (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use lifting eyes as in Porter in the structure of Ellington, III. This would allow a crane to be connected to the walkway.

Regarding claim 4, Ellington, III shows a rectangular base (17) formed from steel (26) reinforced concrete (Col. 3, Line 55-60) (Fig. 1). Ellington, III does not show the weight in excess of one or two tons. This would be a matter of obvious design choice to produce a large enough walkway for people to use.

Regarding claim 7, Ellington, III shows a series of upwardly extending supports (18A-D) each formed with the periphery of the base (17), and a roof (30) mounted upon the supports and overlying the base, the roof having a peripheral edge (Fig. 1).

Ellington, III does not show a series of lifting eyes with eyelets formed therein, the lifting eyes being positioned upon the supports to thereby permit the entire walkway to be lifted by way of cables. Porter shows a series of lifting eyes (56a-d) with eyelets formed therein, the lifting eyes being positioned upon the supports to thereby permit the entire walkway to be lifted by way of cables (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a series of lifting eyes as in Porter in the structure of Ellington, III to lift the unit into place with a crane.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III in view of Martensson and Porter in further view of Hester, Jr.

Regarding claim 5, Ellington, III shows four upwardly extending supports (18A-D) supporting a roof (34) (Fig. 1). Ellington, III does not show a central apex and downwardly sloping sides. Hester, Jr. teaches a central apex and downwardly sloping sides (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a roof with a central apex and downwardly sloping sides as in Hester, Jr. in the structure of Ellington, III. This would allow water to run off the roof.

Claims 6, 11-22, 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III in view of Martensson.

Regarding claim 6, Ellington, III shows portable modular walkway units (Abstract) (10) (Fig. 1) with a base (17) having upper and lower planar surfaces and a periphery with at least two ends. It would have been obvious to have a series of the units to produce a structure of the desired size.

Ellington, III does not show joint portions formed therein, the joint portions functioning to interconnect the ends of adjacent walkway units. Martensson et al. shows joint portions (12, 13) formed therein, the joint portions functioning to interconnect the ends of adjacent walkway units (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use joint portions as in Martensson et al. in the structure of Ellington, III to interconnect the ends of adjacent walkway units.

It would have been obvious to place the walkway units where they would be useful such as between at least two of the buildings.

Regarding claim 11, Ellington, III shows the base (17) is formed from steel (26) reinforced concrete (Col. 3, Line 55-60) (Fig. 1).

Regarding method claim 12, Ellington, III shows constructing a unit (10) at an offsite location (Abstract) each unit having a concrete (Col. 3, Line 59) base. It would have been obvious to have a series of units to produce a structure of desired size.

Ellington, III does not show joint portions in the base. Martensson et al. shows joint portions (12, 13) in the base (6, 7) (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use joint portions as in Martensson et al. in the structure of Ellington, III to join the bases.

Ellington, III shows transporting the series of walkway units to a location proximate the buildings to be interconnected (Abstract).

The walkway units may be interconnected in an end-to-end relationship to form a pathway as is useful.

Regarding method claim 13, it would have been obvious to form a continuous walkway formed intermediate the two doorways with the walkway units. It would be obvious to use the walkway units in ways that they are useful.

Regarding method claim 14, Ellington, III teaches constructing a covered walkway unit (10) at an offsite location (Abstract) each unit having a concrete base (Col. 3, Line 55-60) (Fig. 1). It would have been obvious to have a series of units to produce a structure of desire size.

Ellington, III does not show joint portions. Martensson et al. shows joint portions (12, 13) formed within its base (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use joint portions as in Martensson et al. in the structure of Ellington, III to connect the bases.

Ellington, III teaches transporting (Abstract) the series of walkway units to a location proximate the buildings to be interconnected. It would have been obvious to position one of the walkways adjacent a doorway and interconnecting the joint portions of the remaining walkway units. It would have been obvious to use the walkway units in ways they would be useful.

Regarding claim 15, Ellington, III shows a portable (Abstract), walkway unit (10). It would have been obvious to have a plurality of these units to produce a structure of a desired size, which may be a walkway path aligned end to end extending from unit to unit (Fig. 1).

Ellington, III does not show self-anchoring. Self-anchoring is known when a heavy object settles into the ground. It would have been obvious to one of ordinary skill in the art at the time the present invention was made for the units to settle in the ground as is known thereby being self-anchoring.

Ellington, III shows a base constructed of reinforced concrete (Col. 3, Line 55-60), said base having at least two opposing ends, each said base having a top surface and a periphery defining an entire width and an entire length of said walkway path, when said walkway units are aligned.

Ellington, III does not show opposing end on a base being coupled with respect to an opposing end of an adjacent walkway unit. Martensson et al. shows an opposing end on a base being coupled with respect to an opposing end of an adjacent walkway unit (Fig. 2). It would have been obvious to one of ordinary skill in the art to have an opposing end coupled to an opposing end of an adjacent unit as in Martensson et al. in the structure of Ellington, III to join the two units together.

Ellington, III shows each said walkway unit is modularly constructed at a location remote with respect to a preexisting building and transported from the location and may be installed to form said walkway path extending from the preexisting building (Abstract) (Col. 1, Line 10-20).

Regarding claims 16-18, Ellington, III shows the basic claimed structure. Ellington, III does not show a male and female joint portion integrally formed thereon for interconnecting the walkway units with an adjacent structure. Martensson et al. shows a male (12) and female (13) joint portion integrally formed thereon for interconnecting the walkway units (one 1) with an adjacent structure (the other 1). It would have been obvious to one of ordinary skill in the art to use a joint as in Martensson et al. in the structure of Ellington, III to connect the units.

Regarding claim 19, Ellington, III shows a plurality of upward extending support members (18) mounted within the base (17), and a roof (30) mounted to the support members in spaced relation to the base (17) (Fig. 1).

Regarding claim 20, Ellington, III shows a portable (Abstract), walkway unit (10). It would have been obvious to have a plurality of these units to produce a structure of a



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desired size, which may be a walkway path aligned end to end extending from unit to unit (Fig. 1).

Ellington, III does not show self-anchoring. Self-anchoring is known when a heavy object settles into the ground. It would have been obvious to one of ordinary skill in the art at the time the present invention was made for the units to settle in the ground as is known thereby being self-anchoring.

Ellington, III shows a base constructed of reinforced concrete (Col. 3, Line 55-60), said base having at least two opposing ends. The units may be aligned end to end to form the walkway path as needed.

Ellington, III does not show an opposing end of a base having joint portions integrally formed thereon and interconnected in mating relation with a joint portion of a base for an adjacent walkway unit. Martensson et al. shows an opposing end of a base (left 1) having joint portions (13) integrally formed thereon and interconnected in mating relation with a joint portion (12) of a base (right 1) for an adjacent walkway unit. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a joint as in Martensson et al. in the structure of Ellington, III to connect the units.

Ellington, III shows the units transported from a unit fabrication site and installed to form the walkway path (Abstract, Col. 1, Line 10-20). It would have been obvious to connect the walkway path to a preexisting building and extend the walkway therefrom to allow persons to walk out of the building and be protected by the covered walkway.

Regarding claim 21, Ellington, III shows the basic claimed structure. Ellington, III does not show the joint portion on the base of the first walkway unit includes a female joint having a concave portion extending transversely along an end of the base, and a male joint having a convex shaped portion in mating relationship with said female joint, and said male joint is connected to the adjacent walkway. Martensson et al. shows the joint portion on the base of the first walkway unit (left 1) includes a female joint (13) extending transversely along an end of the base, and a male joint (12) in mating relationship with said female joint, and said male joint is connected to the adjacent walkway (right 1). It would have been an obvious variation for these joints to be concave/convex female/male joint portions to create a less rigid joint by allowed smoother movement along curved surfaces. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use joints as in Martensson et al. in the structure of Ellington, III to connect the units.

Regarding claim 22, Ellington, III shows the basic claimed structure. Ellington, III does not show the male portion includes a convex shaped portion integrally formed on an end of the adjacent walkway unit, and extending transversely thereon. Martensson et al. shows the male portion (12) integrally formed on an end of the adjacent walkway unit (right 1), and extending transversely thereon. A convex shaped portion would be an obvious variation to allow for smoother movement along curved surfaces when mated with a concave female joint portion. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a male portion as in Martensson to mate with a female portion to connect the units together.

Regarding claim 25, Ellington, III shows four ends (Fig. 1).

Claims 8-10, 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III in view of Martensson in further view of Hester.

Regarding claims 8-10, 24, Ellington, III shows the basic claimed structure. Ellington, III does not show two ends angled, T plan, and an intersection plan. Hester, Jr. shows two ends angled. (Fig. 1) "T" plans and intersection plans are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use angled, "T", or intersection plans as seen in Hester, Jr. and the art in the structure of Ellington, III. This would allow the walkways to interconnect in various patterns.

Method claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington, III.

Regarding method claim 26, Ellington, III shows constructing a plurality of concrete bases (17) (Fig. 1) (Col. 3, Line 55-60) with sufficient weight, transporting the plurality of bases (Abstract). It would have been obvious to align the bases end to end and with a doorway of a preexisting building since it is obvious to use the bases in places where they are needed.

### ***Claim Objections***

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 4/2/03 have been fully considered but they are not persuasive.

Applicant argues that the self-anchoring limitation has not been addressed.

Examiner has addressed it in the current Office Action. Col. 6, line 25-30 states that the module may be positioned on the foundation. It does not require it to be positioned on the foundation. It would be self-anchoring if it was placed directly on the ground since it appears to have sufficient weight to eliminate the need for anchoring devices or methods to secure the bases to the ground.

Applicant claims that Ellington, III is not a walkway path.

Examiner maintains that Ellington, III may be used as a walkway path since it presents an unobstructed base and sides and, as the Applicant points out, can be moved into place by a large crane.

Applicant argues that Ellington does not disclose a joint portion integrally formed thereon.

Examiner maintains that the edging of Martensson et al. teaches a joint portion integrally formed thereon.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV  
December 20, 2004

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600